

UNITED STATES COURT OF APPEALS

NOV 21 2003

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON

U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ALLAN WINSTON TAYLOR,

Defendant - Appellant.

No. 01-30436

D.C. No. CR-01-00004-ALH
District of Oregon, Portland

ORDER

Before: B. FLETCHER, KLEINFELD and McKEOWN, Circuit Judges.

The request for publication is DENIED.

The memorandum disposition filed on January 23, 2003 is amended as follows:

On page 2, add footnote 1 to the sentence that begins, “Although he violated his conditions” The text of the footnote is:

Although we did uphold an enhancement for obstruction of justice for a defendant who was not in custody in United States v. Mondello, 927 F.2d 1463 (9th Cir. 1991), the enhancement in Mondello was based on a flight to avoid prosecution, not on an attempted escape from custody. The government did not contend in this case that Taylor fled to avoid prosecution or incarceration, and could not have, since Taylor turned himself in.

Renumber subsequent footnotes.